Application Number

Application Number

Attorney's Docket No.:	042390.P6341X		<u>PA</u>	TENT
DECLARATI		ORNEY FOR PATENT APPLIC ON-IN-PART)	CATION	
As a below named invent	or, I hereby declare that:			
My residence, post office	address and citizenship a	re as stated below, next to my n	ame.	
and joint inventor (if plura which a patent is sought	Il names are listed below) o	only one name is listed below) of the subject matter which is classed and Apparatus For An Ir	aimed ai	nd for
the specification of which				
	ed hereto.			
was filed	on	as		
Č	or PCT International Applic	lumberation Number		
8	and was amended on	(if applicable)	·	
I hereby state that I have including the claims, as a	reviewed and understand mended by any amendme	the contents of the above-identi nt referred to above.	fied spe	cification,
I acknowledge the duty to defined in Title 37, Code	o disclose all information kr of Federal Regulations, Se	nown to me to be material to paterion 1.56.	tentabilit	y as
foreign application(s) for	patent or inventor's certificate ent or inventor's certificate	i, United States Code, Section 1 ate listed below and have also ic having a filing date before that	dentified	below any
Prior Foreign Application	<u>(s)</u>		Priori <u>Claim</u>	
(Number)	(Country)	。(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
I hereby claim the benefit provisional application(s)	under title 35, United State listed below:	es Code, Section 119(e) of any	United S	States

Filing Date

Filing Date

I hereby claim the benefit under Titl 35, United States Cod, S ction 120 of any United States application(s) listed below and, insofar as the subject matter of ach if the claims if this application is not disclosed in the primer united States application in the manner provided by the first paragraph of Title 35, United States Code, S ction 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code if Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

08/186,219	<u>N</u>	<u>ovember 3, 1998</u>		Pending
Application Numb	er	Filing Date	Status	patented,
				pending, abandoned
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part of this document)) as my respective cation, to prosecu	e patent attorneys ar te this application an	id patent ager	porated by reference and a nts, with full power of all business in the Patent
Send corresponden			_, BLAKEL\	, SOKOLOFF, TAYLOR &
7ΔΕΜΔΝΙΙΡ 124 00		Attorney or Agent)	Angeles Cal	lifornia 90025 and direct
telephone calls to _	John	<u>P. Ward</u> , (40)8) 720-8598.	morria 30023 and unect
	(Name of Attori	ney or Agent)		
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APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.